

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In Re: Methyl Tertiary Butyl Ether (“MTBE”)
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88
ECF Case

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This document relates to the following case:

City of New York v. Amerada Hess Corp., et al.
Case No. 04 Civ. 3417

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**DECLARATION OF JOSHUA STEIN IN SUPPORT OF PLAINTIFF CITY OF
NEW YORK’S OPPOSITION TO DEFENDANTS’ JOINT MOTION *IN LIMINE*
TO EXCLUDE EVIDENCE REGARDING TRADE-ASSOCIATION ACTIVITIES
UNTIL AND UNLESS PLAINTIFFS ESTABLISH PREDICATE FACTS**

Joshua Stein, an attorney duly admitted *pro hac vice* to appear in this case, hereby declares under penalty of perjury:

1. I am an attorney with the law firm of Sher Leff LLP, counsel for Plaintiff the City of New York (“the City”) in the above-captioned matter. I submit this Declaration in support of Plaintiff City of New York’s Opposition to Defendants’ Joint Motion *in Limine* to Exclude Evidence Regarding Trade-Association Activities Until and Unless Plaintiffs Establish Predicate Facts (the “Opposition”). This declaration authenticates the exhibits attached hereto and relied on in the City’s Opposition. In accordance with the Court’s Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around May 26, 2009.

2. Attached as Exhibit 1 is a true and correct copy of a faxed memo from D. Chen to W. Stone, et al, regarding “Articles on MtBE,” dated December 23, 1986, which has the bates number EQ-SH156 0052.

3. Attached as Exhibit 2 is a true and correct copy of the Maine Paper, or "MTBE as a Ground Water Contaminant," written in 1986 by P. Garrett, M. Moreau and J. Lowry, which was Exhibit 7 to the deposition of W. Stone, taken September 20, 2000.

4. Attached as Exhibit 3 is a true and correct copy of an article from Alcohol Week Volume 7, Number 7, dated December 8, 1986, which has bates numbers CH 009138.

5. Attached as Exhibit 4 is a true and correct copy of an OFA Press Release entitled, "EPA, Industry and Canadian Studies Find MTBE Effective and Safe," dated March 10, 1993, which has bates numbers EX 029929-029929.

6. Attached as Exhibit 5 is a true and correct copy of selected pages from the deposition of G. Dominguez taken September 12, 2000.

7. Attached as Exhibit 6 is a true and correct copy of the Minutes for the EPA Public Focus Meeting For Methyl tert-Butyl Ether (MTBE) dated December 17, 1986, which was Exhibit 14 in the deposition of J. Del Pup, taken September 20, 2000.

8. Attached as Exhibit 7 is a true and correct copy of a memo from A. Lington to J.F. Zboray dated January 9, 1987, regarding the highlights of a meeting A. Lington attended on January 6, 1987 on MTBE, which was Exhibit 10 in the deposition of R. Biles, taken February 8, 2007.

9. Attached as Exhibit 8 is a true and correct copy of an EPA Contact Report dated January 8, 1987 between B. Anderson and the OFA, which was Exhibit 3 in the deposition of G. Dominguez, taken September 12, 2000.

10. Attached as Exhibit 9 is a true and correct copy of the minutes from an MTBE Technical Committee meeting held on Friday, January 23, 1987, which has bates numbers TX 019785-019739.

11. Attached as Exhibit 10 is a true and correct copy of an EPA Contact Form dated February 2, 1987, which has bates numbers EPA-000545-000547.

12. Attached as Exhibit 11 is a true and correct copy of a letter from G. Dominguez to the EPA dated February 12, 1987, with a Charter of the MTBE Committee attached, which was Exhibit 11 in the deposition of G. Dominguez taken September 12, 2000.

13. Attached as Exhibit 12 is a true and correct copy of an EPA Contact Form dated February 18, 1987, documenting contact between B. Anderson and G. Dominguez, and regarding MTBE, which were pages 9 and 10 of Exhibit 9 to the deposition taken of C. Stanley taken May 6, 1999.

14. Attached as Exhibit 13 is a true and correct copy of a letter by H.L. Hunter to the TSCA Public Information Office dated February 20, 1987, regarding OPTS-41023A, which has the bates number CHEMICALS-TSCA-00328.

On this 26th day of May 2009, I hereby declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Dated: San Francisco, California
May 26, 2009

/s/ JOSHUA STEIN
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